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U.S. DISTRICT COURT  
N.D. OF ALABAMA

Dr. Brett Davenport

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March 1, 2015

U.S. DISTRICT COURT  
N.D. OF ALABAMA

The Honorable Madeline H. Haikala  
Judge, U.S. District Court  
1729 5<sup>th</sup> Avenue N  
Rm 786  
Birmingham, AL 35203  
Jefferson County

**Re: Proposed Consent Order**

Judge Haikala:

I am concerned that the Huntsville Board of Education (BOE) is dismissing several legitimate concerns of citizens for the sake of decreasing the time to successful mediation with the department of justice (DOJ). This was strongly evidenced in the BOE's final meeting where BOE attorneys, primarily J.R. Brooks, attempted to answer questions from the five BOE members prior to their voting to approve the proposed consent order. The BOE members' questions addressed why certain citizen concerns were not altered in the proposed consent order. Below is a link to a summary of this Q&A session if you do not already possess an actual transcript.

[http://www.al.com/news/huntsville/index.ssf/2015/02/huntsville\\_school\\_board\\_votes.htm](http://www.al.com/news/huntsville/index.ssf/2015/02/huntsville_school_board_votes.htm)  
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My concern is perhaps most clearly demonstrated in the following excerpts from the BOE meeting, which is only one example:

**["Q: Does moving the Covemont residents from Blossomwood Elementary to Monte Sano Elementary increase segregation?**

**A: Brooks said the schools were part of a lengthy mediation process and to change it now would require adding more time in mediation to alter the plan. He added that he has received assurances the route up Governors Drive is safe for school travel. He said it does add "some time" to commute but it doesn't add a lot of time."**

**Q: "How does moving a few Blossomwood and Covemont students out of majority white Blossomwood into majority white Monte Sano help desegregation?"**

**A: "It frees up room at Blossomwood to bring in minority children to further desegregation there. And those mostly white schools were at the center of the negotiations with DOJ, and leaving them alone was not an option."]**

This is just one example of several that displays Mr. Brooks' and his team's attempt to

quiet the true validity of several citizen issues so that he, his colleagues, and the BOE will not have to go back to the negotiating table with the DOJ. I would like to request that your consideration be given to Huntsville City Schools' lack of regard for pertinent citizen concerns as they attempt to finalize a negotiation with the DOJ. This proposal was drafted prior to receiving public opinion, and minimal adjustments have been made in response to the public. It does not seem that proceeding in this way is just or right.

Below I will demonstrate how the rezoning of Covemont from Blossomwood to Monte Sano school district is wrought with ignored truths and mistreated facts. Please keep in mind that this is only one example of how the attorneys have manipulated an issue into their favor with words.

1) The "assurance" that Mr. Brooks received about the above-mentioned drive being safe came from the mouth of Elizabeth Dott Fleming, the Executive Director of "The Schools Foundation" in Huntsville, and a resident of the Covemont neighborhood who's motives to expedite the mediation are monetary in nature. The Schools Foundation is a non-profit organization that seeks to supply scholarships for several educational purposes in Madison County. Having a segregated school status in Huntsville limits Ms. Fleming's organization in obtaining monetary donations for scholarships. Hence, she too has the expedition of this mediation process as her top priority. Ms. Fleming is in the 15<sup>th</sup> percentile of her neighborhood that thinks that the drive to Monte Sano is adequately safe (85% think it is not a safe daily commute, according to a survey taken in the neighborhood with 70% participation). Further, it was Ms. Fleming herself who has urged the city to place more lights on this road in order to make the drive safer. I am quite certain that if Mr. Brooks was asked to provide you with a source that was any more credible or official than the above encounter regarding his investigation into the safety of the drive from Covemont to Monte Sano Elementary, he could not accommodate the request. Please reference the letter to you from "Covemont Estates" dated February 10, 2015 for a summary of specific safety concerns.

2) Mr. Brook's statement that the rezoning adds "some time" but not "a lot of time" to the commute is nonspecific and relative. It will take the Covemont residents an additional 20-30 minutes each day to commute to and from school, traveling twice the distance that they would otherwise have to travel if they were zoned for their neighborhood school, Blossomwood Elementary.

3) Mr. Brooks' response that the move "frees up room at Blossomwood to bring in minority children to further desegregation there" might sounds legitimate, but his reasoning is not validated. In fact, his demographers should know that Blossomwood Elementary was built for an 800 student capacity. The school currently has 580 kids and an average grade size of 90 students, meaning that it could accommodate over 130 minority students, even after adding a new 6<sup>th</sup> grade of 90 students (as is proposed). The result of the current rezoning proposal will not even approach this many new students being moved into Blossomwood Elementary. Why uproot Covemont children from their friends and community at Blossomwood when it is not necessary? These are real childrens' and families' lives!

4) Mr. Brooks' statement that "those mostly white schools were at the center of the negotiations with DOJ, and leaving them alone was not an option" demonstrates the illusion of change that he and his colleagues are attempting to pass before you as they attempt to uproot white children from one predominately white school to another predominately white school. They clearly did not think through this change, but are only wishing to implement it for the sake of change so that it appears that they are complying. Now that valid points have been raised against the change, they are ignoring these points so that they do not have to sit back down for more negotiations.

My plea to you is on behalf of the myriad of concerned citizens of Huntsville that I have witnessed at the numerous public forums expressing their many valid points against several aspects of the proposed consent order. So many of their points have been ignored without adequate rebuttal. These attorneys were present for 6 hours of voiced citizen concerns, with countless others in writing. They responded with only 1 ½ pages of adjustments to the proposal typed in 14 point font! Does that seem like they were listening, or just scared to sit down at the table again? Perhaps if they have a chance to draft another proposal, they may consider consulting the citizens for public opinion and ideas as a first step. After all, are they not our schools?

Thank you for your concern, time, and attention to these aforementioned matters, and the hard work and service that you provide for our community.

Most Sincerely,

Brett Davenport, M.D.